

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Schools and Libraries)	CC Docket No. 02-6
Universal Service Support Mechanism)	
)	
Request for Review and/or Waiver by)	
Austin Independent School District)	Application No. 949911
of a Decision by the)	
Universal Service Administrative Company)	

**REQUEST FOR REVIEW AND/OR WAIVER
BY AUSTIN INDEPENDENT SCHOOL DISTRICT
OF A DECISION BY THE
UNIVERSAL SERVICE ADMINISTRATIVE COMPANY**

Pursuant to sections 54.719 and 54.722 of the Commission's rules,¹ Austin Independent School District² (Austin ISD or the District) hereby respectfully requests a review of a Universal Service Administrative Company (USAC) decision to recover Schools and Libraries Universal Service (E-rate) funding for Funding Year 2014. Alternatively, Austin ISD respectfully requests a waiver of the Commission's rules to the extent necessary to grant the requested relief.

Austin ISD respectfully appeals USAC's decision to recover disbursed funds for Funding Year 2014 because USAC claimed that it mistakenly disbursed funding to Austin ISD.³ First, Austin ISD filed its invoice on time and even filed for an extension on time. Second, Austin ISD qualified for relief under the Commission's *Jefferson-Madison Regional Library Order* so USAC correctly disbursed funds to Austin ISD following that order. USAC is now seeking to

¹ 47 C.F.R. §§ 54.719, 54.722.

² Billed Entity Number 141739. The FRN is 2608995.

³ Exhibit 1, Notice of Recovery of Improperly Disbursed Funds Letter, dated June 18, 2016.

recover that funding for some unknown reason. Third, Austin ISD respectfully argues that USAC's efforts to recover these funds are inconsistent with the Commission's *Fifth Report and Order* as well, and that USAC should therefore reverse its decision. Finally, in the alternative, Austin ISD respectfully requests a waiver of the Commission's rules to the extent necessary to grant the requested relief.

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I. BACKGROUND

Austin Independent School District is a school district based in the city of Austin, Texas, United States. Established in 1881, the District serves most of the City of Austin and surrounding towns, the City of Sunset Valley, the Village of San Leanna, and unincorporated areas in Travis County, Texas.

Austin ISD filed its FCC Form 471 # 949911 for funding year 2014 on March 26, 2014. It received its commitment for \$384,848.14 on June 25, 2014.

On September 10, 2015, Austin ISD submitted invoice 2237901 to USAC well before the October 28, 2015, deadline. It submitted the invoice through USAC's legacy BEAR system.⁴ The invoice was for all 12 months of Internet access services it had received in funding year 2014.

Austin ISD's service provider, the Greater Austin Area Telecommunications Network, did not have access to certify Austin ISD's BEAR invoice electronically.⁵ As such, Austin ISD timely submitted an extension request (case # 22-853315) in order to obtain the service provider's certification for the invoices.⁶ Austin ISD subsequently submitted the service provider's BEAR certification via mail using BEAR invoice # 2290378 on November 12, 2015.⁷ That invoice was denied in full, stating that the invoice deadline had passed, even though Austin ISD had timely submitted an extension request.

⁴ Exhibit 2, BEAR invoice 2237901, dated September 10, 2015.

⁵ Prior to Funding Year 2016, applicants that submitted BEAR forms also had to obtain a certification from their service provider that it had provided the requested services to the applicant.

⁶ Exhibit 3, email from T. Neal to SLD Inquiry, dated October 15, 2015.

⁷ Exhibit 4, BEAR invoice 2290378, dated November 12, 2015.

Austin ISD resubmitted the invoice request # 2297721 on December 4, 2015, after USAC approved the invoice deadline extension.⁸ Upon USAC's request, Austin ISD submitted the supporting bills from the service provider. USAC approved two months of service but did not pay the remaining 10 months.⁹ USAC claimed that incomplete documents were submitted for review, even though Austin ISD believed it had submitted all of the requested documentation.¹⁰

Austin ISD submitted the invoices a fourth time on BEAR invoice # 2334235.¹¹ Of the remaining 10 months, USAC approved funding for nine months of services on March 11, 2016.¹² USAC did not fund one month of services, stating it was a duplicative line item. The request was not duplicative as USAC had only funded a total of 11 months of services.

Austin ISD had given up on receiving payment for the final month when it received a letter from USAC on August 2, 2017.¹³ The letter stated USAC was allowing Austin ISD to resubmit its invoice for the missing one month because the Commission had issued an order that allowed applicants to submit invoices when their invoices had been considered "late" because they were waiting on their service providers to submit a BEAR certification.¹⁴ Austin ISD submitted BEAR invoice #2659897 on August 11, 2017, for the final missing month of funding.¹⁵ USAC approved the invoice on September 4, 2017.¹⁶

⁸ Exhibit 5, BEAR invoice 2297721, dated December 4, 2015.

⁹ Exhibit 6, Form 472 (BEAR) Notification, dated December 23, 2015.

¹⁰ *Id.*

¹¹ Exhibit 7, Form 472 (BEAR) Notification Letter, dated March 11, 2016, re: BEAR invoice 2334235.

¹² *Id.*

¹³ ¹³ Exhibit 8, Letter from USAC to John Judice, Austin ISD, dated August 2, 2017.

¹⁴ *Id.*

¹⁵ Exhibit 9, BEAR invoice 2659897, dated August 11, 2017.

¹⁶ Exhibit 10, email from USAC Customer Support to John Judice, Austin ISD, dated September 5, 2017.

On June 18, 2018, Austin ISD received a notice of recovery of improperly disbursed funds from USAC.¹⁷ The notice stated that Austin ISD had submitted its invoice after the invoice deadline.¹⁸

Austin ISD filed an appeal of this decision with USAC on August 16, 2018.¹⁹ In its appeal, Austin ISD explained that it had in fact filed its invoice on time, and it was missing only the service provider certification.²⁰ Austin ISD argued that USAC had thus correctly determined that Austin ISD qualified for relief under the *Jefferson-Madison Regional Library Order*, and that USAC's subsequent decision to recover the disbursed funds was therefore inappropriate.²¹ USAC denied this appeal on November 30, 2018,²² stating again that Austin ISD had filed its invoice late:

The invoicing deadline for Funding Request Number (FRN) 2608995 was February 25, 2016. The District did not submit a BEAR form for that FRN by that deadline, and therefore was ineligible for relief under the *Jefferson-Madison Reconsideration Order*. However, USAC erroneously identified the District as an applicant who qualified for the relief and improperly extended the invoice filing deadline for FRN 2608995 to September 1, 2017. Because USAC is not authorized to waive the FCC's invoicing deadline rules, USAC must recover funding that was disbursed in violation of the FCC's rules. For these reasons, your appeal is denied.²³

Appeals of USAC decisions are due within 60 days.²⁴ As such, this appeal is timely filed.

¹⁷ Exhibit 1, Letter from USAC to John Judice, Austin ISD, Notice of Recovery of Improperly Disbursed Funds Letter, dated June 18, 2016.

¹⁸ *Id.*

¹⁹ Exhibit 11, Austin ISD Appeal to USAC.

²⁰ Exhibit 11, Austin ISD Appeal to USAC at 3.

²¹ Exhibit 11, Austin ISD Appeal to USAC at 5.

²² Exhibit 12, USAC Appeal Denial.

²³ Exhibit 12, USAC Appeal Denial at 2 (internal citations omitted).

²⁴ 47 C.F.R. §§ 54.719(a), 54.720(b).

II. USAC SHOULD CEASE RECOVERY EFFORTS

USAC should cease recovery efforts in this case because its original conclusion was the correct one: Austin ISD qualifies for the relief outlined in the *Jefferson-Madison Regional Library Order*. Its original invoice was filed on time, but without the required certification by the service provider. This is exactly the scenario for which the *Order* granted relief. Accordingly, Austin ISD respectfully asks that the Bureau reverse USAC's decision.

Furthermore, even if the *Jefferson-Madison Regional Library Order* did not apply, however, seeking recovery of funds would still be inappropriate under the Commission's *Fifth Report and Order*,²⁵ because the invoicing rule is a procedural rule, and any error that USAC believes was made was not discovered until after the funds were disbursed. Under the *Fifth Report and Order*, recovery is not warranted in those circumstances.

Finally, USAC's stated denial reasons are not based in the facts of this case. Austin ISD submitted its invoice—numerous times—prior to the invoice deadline. The only error that was made in the processing of the invoices was that USAC failed to pay one month of Austin ISD's invoice when it paid the remainder of the funding that Austin ISD requested. Austin ISD timely resubmitted its invoices several times and provided the supporting documentation repeatedly to USAC within the initial extension period, but to no avail.

A. USAC Should Cease Recovery Efforts Because Austin ISD Falls Within the Relief Granted by the Commission's Order in 2017

In the *Jefferson-Madison Regional Library Order*, the Commission's Wireline Competition Bureau (the Bureau) reversed USAC's decision to reject a timely filed invoice when

²⁵ *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order, 19 FCC Rcd 15808 (2004) (*Fifth Report and Order*).

the service provider had not certified the invoice prior to the invoice filing deadline.²⁶ The Bureau granted relief to all other similarly situated applicants to resubmit invoice filings.²⁷ The Bureau found that the applicants in these circumstances were in compliance with section 54.514(a) of the E-rate program rules.²⁸ Specifically, the Jefferson-Madison Regional Library had filed its BEAR invoice on time and only lacked the service provider's certification prior to the deadline.²⁹ The Bureau found that the Commission's rule required the BEAR form to be filed prior to the deadline, but the rule did not require the submission of the BEAR certification prior to the deadline.³⁰

Just like the applicants in the *Jefferson-Madison Regional Library Order*, Austin ISD had submitted its BEAR invoice prior to the deadline of October 28, 2015. Austin ISD also timely submitted an extension request in order to allow it time to obtain the BEAR certification from its service provider. As in the *Jefferson-Madison Regional Library Order*, the only thing missing from the timely filed invoice was the service provider certification.

It is unclear why USAC denied the initial invoice, given that Austin ISD had both timely filed its BEAR invoice and an extension request. Although USAC had not yet processed the

²⁶ *Petitions for Reconsideration by Jefferson-Madison Regional Library, et al.*, CC Docket No. 02-6, Order on Reconsideration, 32 FCC Rcd 4626 ¶ 1 (Wireline Comp. Bur. 2017) (*Jefferson-Madison Regional Library Order*).

²⁷ *Id.*

²⁸ *Id.* ¶¶ 7-8.

²⁹ *Id.* ¶ 6.

³⁰ *Jefferson-Madison Regional Library Order* at ¶¶ 7-8. The Bureau explained that “[b]etween August 2014 and July 2016 . . . , service providers had to certify an applicant’s BEAR form on or before the invoice filing deadline, yet the applicant had no way to confirm in the system when, or if, this occurred.” The relief was therefore limited to invoices filed during that time period. *Id.* at ¶ 7.

invoice extension request,³¹ Austin ISD filed the BEAR form well before the *original* invoice deadline of October 28, 2015, and made that clear in its appeal to USAC.³² It is thus unclear how USAC concluded that Austin ISD had missed the invoicing deadline and was therefore ineligible for relief under the *Jefferson-Madison Regional Library Order*. Austin ISD attached its BEAR form, signed and dated Sept. 10, 2015, to its USAC appeal, and it is also attached to this appeal as Exhibit 2.³³ As such, Austin ISD meets the requirements set forth in the *Jefferson-Madison Regional Library Order*.

USAC cited no other reason for recovering the funds. Accordingly, because USAC's only stated reason for seeking recovery is factually incorrect, Austin ISD respectfully asks that the Bureau reverse USAC's decision.

B. Recovery for a Purely Procedural Error Is Not Supported by Commission Precedent

USAC's recovery effort is also wholly inconsistent with the *Fifth Report and Order*, in which the Commission established a presumption that procedural errors that are not identified before funding is disbursed do not warrant recovery.³⁴ The invoicing deadline is a procedural rule, so any violation of it is a procedural error. Accordingly, USAC's recovery effort in this case is inconsistent with the *Fifth Report and Order*.

³¹ See *Request for Review and/or Waiver of Decisions of the Universal Service Administrator by Ada Public Library; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 32 FCC Rcd 1909 (WCB 2017) (*Ada Public Library*). If the effective date of the invoicing rules was August 2014, USAC should have automatically granted a 120-day extension of the invoicing deadline. However, as the Commission described in *Ada Public Library*, USAC was not processing invoice extension requests in a timely fashion and subsequently rejected many invoices that were awaiting a USAC decision on deadline extension requests.

³² Exhibit 11, Austin ISD Appeal to USAC at 3, 5.

³³ See *id.* at 3; see also Exhibit 2, BEAR invoice 2237901, dated September 10, 2015.

³⁴ *Fifth Report and Order* at ¶ 19.

In the *Fifth Report and Order*, the Commission addressed the circumstances under which USAC should seek to recover disbursed funding. The Commission stated that “[i]t is clear that funds disbursed in violation of the statute or a rule that implements the statute or a *substantive* program goal must be recovered.”³⁵ With respect to violations of *procedural* rules, however, the Commission determined that recovery is not always appropriate:

If . . . the procedural violation is inadvertently overlooked during the application phase and funds are disbursed, the Commission will not require that they be recovered, except to the extent that such rules are essential to the financial integrity of the program, as designated by the agency, or that circumstances suggest the possibility of waste, fraud, or abuse, which will be evaluated on a case-by-case basis.³⁶

This language from the *Fifth Report and Order* makes it clear that recovery of disbursed funds is inappropriate here. First, the invoicing rule is a procedural rule. In the *Fifth Report and Order*, the Commission described procedural rules as rules that are “codified to enhance operation of the [E-rate] program.”³⁷ The invoicing deadline certainly satisfies that description, as its only function is to ensure that invoices are submitted in a timely and predictable manner, so that funds can be disbursed in a timely and predictable manner. It is therefore clear that no substantive rule violation took place here.

Further, if Austin ISD had actually violated the invoicing rule, USAC disbursed funds in spite of that fact, so “the procedural violation [was] inadvertently overlooked.”³⁸ It cannot possibly be “essential to the financial integrity of the program” to recover a mere \$32,000 from funding year 2014—funding that was used to provide telecommunications services to the

³⁵ *Fifth Report and Order* at ¶ 18 (emphasis added).

³⁶ *Id.* ¶ 19.

³⁷ *Id.*

³⁸ *Id.*

applicant in full compliance with the substantive rules of the E-rate program. Furthermore, USAC has not suggested any concerns about waste, fraud, or abuse in this case, and in fact there was no waste, fraud, or abuse.

Accordingly, under the clear precedent of the *Fifth Report and Order*, there is no reason why USAC should seek recovery of disbursed funds in this case. USAC's decision to seek recovery should therefore be reversed.

C. USAC's Notice Does Not Explain Why It is Seeking Recovery of Funds

USAC's notice of recovery of improperly disbursed funds did not explain why USAC no longer believed that Austin ISD was eligible for relief under the *Jefferson-Madison Regional Library Order*, so it is unclear what other facts USAC believes are relevant. In fact, it is unclear under what basis USAC is seeking recovery as the funding commitment adjustment explanation in the letter includes no legitimate reason for seeking recovery:

You received disbursements after your invoice deadline. For recurring services, invoices must be submitted no later than 120 days after the last day to receive service or 120 days after the FCC Form 486 Notification Letter date, whichever is later. Services must be delivered within the fund year. Your invoice was received after the invoice deadline.³⁹

The first sentence is correct but irrelevant, because there is no prohibition on receiving disbursements after the invoice deadline. The third sentence is correct but not a ground for recovery in this case, because the services *were* delivered within the funding year. The second and fourth sentences are incorrect because Austin ISD's invoice was not filed after the invoice deadline: it was filed on time, as described above, and the *Jefferson-Madison Regional Library Order* made clear that the absence of a service provider certification at the time of filing does not

³⁹ Exhibit 1, Notice of Recovery of Improperly Disbursed Funds Letter.

change this fact.⁴⁰ The only error that was made in the processing of the invoices was that USAC failed to pay one month of Austin ISD's invoice when it paid the remainder of the funding that Austin ISD requested. Austin ISD timely resubmitted its invoices several times and provided the supporting documentation repeatedly to USAC within the initial extension period, but to no avail. Accordingly, USAC's explanation for its recovery effort contains no actual reason to seek recovery.

III. IN THE ALTERNATIVE, A WAIVER OF THE COMMISSION'S RULES IS IN THE PUBLIC INTEREST

As we have explained, Austin ISD falls within the relief granted by the Commission in 2017. Moreover, recovery for a purely procedural error is not supported by Commission precedent. Should the Bureau disagree, however, Austin ISD respectfully requests that the Bureau waive its rules in order to grant the requested relief.

Any of the Commission's rules may be waived if good cause is shown.⁴¹ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.⁴² In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.⁴³

A waiver would further the goals of the E-rate program without undermining the purpose of the Commission's rules and would thus be in the public interest. As explained above, the

⁴⁰ *Id.* ¶ 8 (“We now find that under section 54.514(a) of the Commission's rules, USAC should have considered a BEAR form timely if it was submitted before the invoice filing deadline even if the service provider had not certified it before the invoice filing deadline.”).

⁴¹ 47 C.F.R. § 1.3.

⁴² *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁴³ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

funding in question was used to provide telecommunications services, in full compliance with the substantive E-rate rules. There was no fraud, no bad faith, not even negligence on the part of Austin ISD. It does not further the goals of the E-rate program to recover these funds; rather, it undermines those goals by punishing a blameless school district for what USAC now believes is its own mistake.

Austin ISD therefore respectfully requests that the Bureau waive the Commission's rules to the extent necessary to grant the requested relief and order USAC to cease its recovery efforts.

IV. CONCLUSION

Austin ISD does not believe that it committed any error with respect to the above-captioned FRN. USAC acknowledged as much when it reached out to Austin ISD and allowed it to resubmit its invoice pursuant to the *Jefferson-Madison Regional Library Order*. USAC's recovery letter offers no explanation of why USAC changed its mind and no legitimate basis for seeking recovery. But even if USAC no longer believes that Austin ISD is eligible for relief under the *Jefferson-Madison Regional Library Order*, the *Fifth Report and Order* made clear that the Commission would consider this at most a procedural error that does not warrant recovery. For the foregoing reasons, Austin ISD respectfully requests that the Bureau reverse USAC's decision and direct USAC to cease recovery efforts, or, in the alternative, waive the Commission's rules to the extent necessary to grant the requested relief.

Respectfully submitted,

/s/ Russell Neal

Russell Neal
VST Services, LP
905 Trophy Club Drive # 202
Trophy Club, TX 76262
rneal@vstservices.com
(682) 237-7670

E-rate Consultant for Austin ISD

January 28, 2019

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document will be sent via email to the Schools and Libraries Division, Universal Service Administrative Company at the Appeals@USAC.org address.

/s/ Theresa Schrader

Theresa Schrader

List of Exhibits

Affidavit of Russell Neal

- Exhibit 1 Letter from USAC to John Judice, Austin ISD, Notice of Recovery of Improperly Disbursed Funds Letter, dated June 18, 2016.
- Exhibit 2 BEAR invoice 2237901, dated September 10, 2015.
- Exhibit 3 Email from T. Neal to SLD Inquiry, dated October 15, 2015.
- Exhibit 4 BEAR invoice 2290378, dated November 12, 2015.
- Exhibit 5 BEAR invoice 2297721, dated December 4, 2015.
- Exhibit 6 Form 472 (BEAR) Notification, dated December 23, 2015.
- Exhibit 7 Form 472 (BEAR) Notification Letter, dated March 11, 2016, re: BEAR invoice 2334235.
- Exhibit 8 Letter from USAC to John Judice, Austin ISD, dated August 2, 2017.
- Exhibit 9 BEAR invoice 2659897, dated August 11, 2017.
- Exhibit 10 Email from USAC Customer Support to John Judice, Austin ISD, dated September 5, 2017.
- Exhibit 11 Austin ISD Appeal to USAC
- Exhibit 12 USAC Administrator's Decision on Appeal – Funding Year 2014, re: FRN 2608995, dated November 30, 2018 (USAC Appeal Denial).

Affidavit of Russell Neal

STATE OF TEXAS)
) SS
COUNTY OF DENTON)

I, Russell Neal, swear:

1. That I am the owner of VST Services, LP.
2. That I am a certified E-rate management professional, certified through the E-rate Management Professionals Association.
3. That VST Services, LP provides E-rate management and consulting services for approximately 100 school districts and six educational service agencies.
4. That VST Services, LP manages the E-rate process from the beginning (RFP development) to the end (BEAR invoicing forms submittal and audits).
5. That VST Services LP began managing the E-rate process for Austin ISD on June 1, 2011 and have continued that role through the present time.
6. That I have read the foregoing appeal and avow the information stated therein is true and correct to the best of my knowledge and belief.

Further Affiant Sayeth Not.



Russell Neal, CEMP
VST Services, LP
905 Trophy Club Drive # 202
Trophy Club, TX 76262
682-237-7670

VERIFICATION

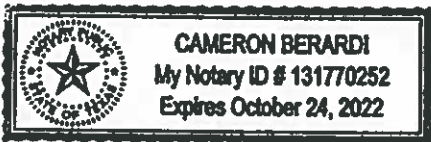
STATE OF TEXAS)
) SS
COUNTY OF DENTON)

COMES NOW, Russell Neal, and being first duly sworn upon my oath, state that I have read the foregoing Affidavit, and that the facts contained therein are true and correct to the best of my knowledge, information and belief, and that I sign the same as my free act and deed.

Russell Read

Russell Neal

On this 28th day of January, 2019, before me, a Notary Public in and for said state, personally appeared Russell Neal, known to me to be the person who executed the within Affidavit, and acknowledged to me that he executed the same for the purposes therein stated and that he executed the same as his free act and deed.



My Commission Expires: OCT 22, 2024

Camille Richards

Notary Public

Exhibit 1

John Judice
AUSTIN INDEPENDENT SCHOOL DISTRICT
1111 W 6TH STREET
AUSTIN, TX 78703 - 5300



Recovery of Improperly Disbursed Funds Letter

John Judice
AUSTIN INDEPENDENT SCHOOL DISTRICT
1111 W 6TH STREET
AUSTIN, TX 78703 - 5300

6/18/2018

Our review of your Schools and Libraries Universal Service Support Program (or E-rate) funding request has determined funds were committed in violation of Federal Communications Commission (FCC) rules. You have 60 days from the date of this letter to appeal the following decision(s). For more detailed information see below.

Total amount to be recovered: \$32,070.68

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
949911	2608995	\$0.00	\$32,070.68	FCC Directive	Applicant

See Attached Adjustment Report for more information on the specific FRNs and Explanations listed above.

Recovery of Improperly Disbursed Funds

Our review of your Universal Service Schools and Libraries Support Program (or E-rate) funding request(s) referenced in the Adjustment Report has determined funds were improperly disbursed in violation of Federal Communications Commission (FCC) rules. A copy of that Adjustment Report is also attached to this letter.



FCC rules require the Universal Service Administrative Company (USAC) to rescind commitments and recover funding when it is determined that funding was committed and disbursed in violation of the rules. This letter notifies you that USAC will be adjusting your funding commitment(s) and provides information on how to appeal this decision.

This is NOT a bill. If disbursed funds need to be recovered, USAC will issue a Demand Payment Letter. The debt referenced in the Demand Payment Letter will be due within 30 days of that letter's date. Failure to pay the debt may result in interest, late payment fees, and administrative charges and will invoke the FCC's "Red Light Rule."

FCC's Red Light Rule

The FCC Red Light Rule requires USAC to dismiss pending FCC Form 471 applications, appeals, and invoices or to net disbursements offsetting the debt if the entity responsible for paying the outstanding debt owed to the FCC has not paid the debt or made satisfactory arrangements to pay the debt within 30 days of the Demand Payment Letter. For information on the Red Light Rule, see

<https://www.fcc.gov/licensing-databases/fees/debt-collection-improvement-act-implementation>

To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

All appeals filed with USAC must be filed in EPC by selecting "Appeal" from the menu in the top right hand corner of your landing page and providing the requested information.

Your appeal should include the following information. (Because you file the appeal through your EPC account, the system will automatically fill in some of these components for you).

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Recovery of Improperly Disbursed Funds) and the decision you are appealing:



- a. Appellant name;
- b. Applicant name and service provider name, if different from appellant;
- c. Applicant BEN and Service Provider Identification Number (SPIN);
- d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
- e. "Recovery of Improperly Disbursed Funds," AND the exact text or the decision that you are appealing.

3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

For more information on submitting an appeal to USAC including step by step instructions on how to file the appeal through EPC, please see "Appeals" in the Schools and Libraries section of the USAC website.

As mentioned, parties seeking a waiver of FCC rules or that have filed an appeal with USAC and received a decision may file a request for waiver or appeal USAC's decision to the FCC. Waiver requests or appeals to the FCC must be made within 60 days of the issuance of USAC's decision and include all of the information referenced above for appeals to USAC.

The FCC recommends filing appeals or waiver requests with the Electronic Comment Filing System (ECFS) to ensure timely filing. Electronic waiver requests or appeals will be considered filed on a business day if they are received at any time before 11:59 PM ET. If you have questions or comments about using the ECFS, please contact the FCC directly at (202) 418-0193.

For more information about submitting waiver requests or appeals to the FCC, including options to submit the waiver request or appeal via U.S. mail or hand delivery, visit the FCC's website.

Schools and Libraries Division

cc: Martha Krischke

Greater Austin Area Telecommunications Network



Adjustment Report

FCC Form 471 Application Number:	949911
Funding Request Number:	2608995
Commitment Adjustment:	\$0.00
Total Amount to Be Recovered:	\$32,070.68
Explanation(s):	FCC Directive
Party to Recover From:	Applicant
Funding Year:	2014
Billed Entity Number:	141739
Services Ordered:	INTERNET ACCESS
Service Provider Name:	Greater Austin Area Telecommunications Network
SPIN:	143034881
Original Funding Commitment:	\$384,848.14
Adjusted Funding Commitment:	\$384,848.14
Funds Disbursed to Date:	\$381,786.76

Funding Commitment Adjustment Explanation

You received disbursements after your invoice deadline. For recurring services, invoices must be submitted no later than 120 days after the last day to receive service or 120 days after the FCC Form 486 Notification Letter date, whichever is later. Services must be delivered within the fund year. Your invoice was received after the invoice deadline. Therefore, USAC must seek recovery of improperly disbursed funds in the amount of \$32,070.68.



Adjustment Report

FCC Form 471 Application Number:	949911
Funding Request Number:	2608995
Commitment Adjustment:	\$0.00
Total Amount to Be Recovered:	\$32,070.68
Explanation(s):	FCC Directive
Party to Recover From:	Applicant
Funding Year:	2014
Billed Entity Number:	141739
Services Ordered:	INTERNET ACCESS
Service Provider Name:	Greater Austin Area Telecommunications Network
SPIN:	143034881
Original Funding Commitment:	\$384,848.14
Adjusted Funding Commitment:	\$384,848.14
Funds Disbursed to Date:	\$381,786.76

Funding Commitment Adjustment Explanation

You received disbursements after your invoice deadline. For recurring services, invoices must be submitted no later than 120 days after the last day to receive service or 120 days after the FCC Form 486 Notification Letter date, whichever is later. Services must be delivered within the fund year. Your invoice was received after the invoice deadline. Therefore, USAC must seek recovery of improperly disbursed funds in the amount of \$32,070.68.

Exhibit 2

FCC Form 472
DO NOT STAPLE THIS
FORM

Do not write in this space.

Approved by OMB
OMB Control No. 3060 - 0856
Estimated time per Response: 1.0
hours

Universal Service for Schools and Libraries

Please read instructions
before completing.

(To be completed by schools,
libraries, or consortia.)

BILLED ENTITY APPLICANT REIMBURSEMENT FORM

For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.

Only one Service Provider Identification Number (SPIN) per form.

Must be completed and signed by the Billed Entity Applicant and signed by the relevant service provider.

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to range from 1 to 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PER, Paperwork Reduction Act Project (3060-0856), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0856.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

Applicant Form Identifier (Create an identifier for your own reference) 2608995	FCC Form 472 Invoice # (To be inserted by administrator) 2237901
--	---

BLOCK 1: HEADER INFORMATION

1. Billed Entity Name	AUSTIN INDEP SCHOOL DISTRICT
2. Billed Entity Number	141739
3. Service Provider Identification Number (SPIN)	143034881

4. Contact Name	RUSSELL NEAL
5. Contact Telephone Number	682- 2377670 ext
6. Total Reimbursement Amount (total from Block 2, Column 14)	\$381,786.76

Page 1 of 5 FCC Form 472 July 2013

Approved by OMB
OMB Control No. 3060 - 0856
Estimated time per Response: 1.0 hours

Billed Entity Applicant Reimbursement Form							
For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.							
Billed Entity Name <u>AUSTIN INDEP SCHOOL DISTRICT</u> Billed Entity Number <u>141739</u>							
Contact Name <u>RUSSELL NEAL</u> Contact Telephone Number <u>682-2377670</u>							
Applicant Form Identifier <u>2608995</u>							
BLOCK 2: LINE ITEM INFORMATION PER FUNDING REQUEST NUMBER							
(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
FCC Form 471 Application Number (from Funding Commitment Decision Letter)	Funding Request Number (FRN) (from Funding Commitment Decision Letter)	Bill Frequency	Customer Billed Date (mm/yyyy)	Shipping Date to Customer or Last Day of Work Performed (mm/dd/yyyy)	Total (Undiscounted) Amount for Service	Discount Rate	Amount Billed to USAC (Column 12 multiplied by Column 13)
		DO NOT WRITE IN THIS COLUMN.	For each FRN, complete either Column (10) or Column (11), but not both Columns				
1	949911	2608995		2/1/2015	\$44,738.79	71.00	\$31,764.54
2	949911	2608995		4/1/2015	\$44,738.79	71.00	\$31,764.54
3	949911	2608995		10/11/2014	\$44,738.79	71.00	\$31,764.54
4	949911	2608995		1/1/2015	\$44,738.79	71.00	\$31,764.54
5	949911	2608995		6/1/2015	\$44,738.79	71.00	\$31,764.54
6	949911	2608995		9/1/2014	\$44,738.79	71.00	\$31,764.54
7	949911	2608995		7/1/2014	\$45,169.97	71.00	\$32,070.68
8	949911	2608995		11/1/2014	\$44,738.79	71.00	\$31,764.54
9	949911	2608995		3/1/2015	\$44,738.79	71.00	\$31,764.54
10	949911	2608995		5/1/2015	\$44,738.79	71.00	\$31,764.54
11	949911	2608995		8/1/2014	\$45,169.97	71.00	\$32,070.68
12	949911	2608995		12/1/2014	\$44,738.79	71.00	\$31,764.54
13							
14							
TOTAL REIMBURSEMENT AMOUNT TO BE ENTERED INTO ITEM (6)							\$381,786.76

Approved by OMB
OMB Control No. 3060 - 0856
Estimated time per Response: 1.0 hours

BILLED ENTITY APPLICANT Reimbursement Form

Billed Entity Name AUSTIN INDEP SCHOOL DISTRICT

Billed Entity Number 141739

Contact Name RUSSELL NEAL

Applicant Form Identifier 2608995

Block 3: Billed Entity Certification

I declare under penalty of perjury that the foregoing is true and correct and that I am authorized to submit this Billed Entity Applicant Reimbursement Form on behalf of the eligible schools, libraries, or consortia of those entities represented on this Form, and I certify to the best of my knowledge, information and belief, as follows:

- A. The discount amounts listed in Column (14) of this Billed Entity Applicant Reimbursement Form represent charges for eligible services delivered to and used by eligible schools, libraries, or consortia of those entities for educational purposes, on or after the service start date reported on the associated Form 486.
- B. The discount amounts listed in Column (14) of this Billed Entity Applicant Reimbursement Form were already billed by the service provider and paid by the Billed Entity Applicant on behalf of eligible schools, libraries, and consortia of those entities.
- C. The discount amounts listed in Column (14) of this Billed Entity Applicant Reimbursement Form are for eligible services approved by the fund administrator pursuant to a Form 471 Funding Commitment Decision Letter.
- D. I recognize that I may be audited pursuant to this application and will retain for five years any and all records that I rely upon to fill in this form.
- E. I certify that, in addition to the foregoing, this Billed Entity Applicant is in compliance with the rules and orders governing the schools and libraries universal service support program, and I acknowledge that failure to be in compliance and remain in compliance with those rules and orders may result in the denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with the rules and orders governing the schools and libraries universal service support program could result in civil or criminal prosecution by law enforcement authorities.

15. Signature of authorized person **Signed electronically by RUSSELL NEAL**

16. Date **9/10/2015**

17. Printed name of authorized person **RUSSELL NEAL**

18. Title or position of authorized person **E-RATE MANAGER**

19. Telephone number of authorized person **682- 2377670**

20. Address of authorized person **905 TROPHY CLUB DR. , SUITE 202, TROPHY CLUB TX 76262-5572**

Approved by OMB
OMB Control No.3060 - 0856
Estimated time per Response: 1.0 hours

BILLED ENTITY APPLICANT Reimbursement Form

Billed Entity Name AUSTIN INDEP SCHOOL DISTRICT

Billed Entity Number 141739

Contact Name RUSSELL NEAL

Applicant Form Identifier 2608995

Block 4: Service Provider Acknowledgment

I declare under penalty of perjury that the foregoing is true and correct and that I am authorized to submit this Service Provider Acknowledgment for this Billed Entity Applicant Reimbursement Form, and acknowledge to the best of my knowledge, information and belief, as follows:

- A. The service provider must remit the discount amount authorized by the fund administrator to the Billed Entity Applicant who prepared and submitted this Billed Entity Applicant Reimbursement Form as soon as possible after the fund administrator's notification to the service provider of the amount of the approved discounts on this Billed Entity Applicant Reimbursement Form, but in no event later than 20 business days after receipt of the reimbursement payment from the fund administrator, subject to the restriction set forth in B. below.
- B. The service provider must remit payment of the approved discount amount to the Billed Entity Applicant prior to tendering or making use of the payment issued by the Universal Service Administrative Company to the service provider of the approved discounts for the Billed Entity Applicant Reimbursement Form.
- C. I certify that, in addition to the foregoing, this Service Provider is in compliance with the rules and orders governing the schools and libraries universal service support program, and I acknowledge that failure to be in compliance and remain in compliance with those rules and orders may result in the denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with the rules and orders governing the schools and libraries universal service support program could result in civil or criminal prosecution by law enforcement authorities.

21. Signature of authorized person (fax, copy or original signature) <u>Frank</u>	22. Date <u>11-4-15</u>
23. Printed name of authorized person <u>Frank Ammons</u>	
24. Title or position of authorized person <u>GAATN Network Manager</u>	
25. Telephone number of authorized person - <u>512-974-2795</u> <u>0</u>	
26. Address of authorized person <u>1124 S IH 35 Austin TX 78704</u>	

27. Applicant Remittance Information

Name John Kohlmorgan

Title WAN Manager

Street Address

1949 S IH 35

Austin, TX 78741

Approved by OMB
OMB Control No.3060 - 0856
Estimated time per Response: 1.0 hours

A paper copy of this Form (pages 1-4) should be mailed to:

**SLD BEAR FCC Form 472
P.O. Box 7026
Lawrence, KS 66044-7026**

If sent by express delivery services or U.S. Postal Service, Return Receipt Requested, the form (pages 1-4) should be mailed to:

**SLD Forms
ATTN: SLD BEAR FCC Form 472
3833 Greenway Drive
Lawrence, KS 66046
Phone: 1-888-203-8100**

Page 5 of 5

FCC Form 472

July 2013

Exhibit 3

From: sldnoreply@sl.universalservice.org
To: [Tracy Neal](#)
Subject: SLD Inquiry #: 22-853315 Received
Date: Thursday, October 15, 2015 11:55:57 AM

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-853315.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

If you still have questions about this issue after you review our response, please call us at 1-888-203-8100. Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at www.usac.org/sl.

Thank you.

Following is the information you submitted:

*[FirstName]=Tracy [LastName]=Neal [JobTitle]=E-Rate Consultant
[EmailAddress]=TracyNeal@vstservices.com [WorkPhone]=6822377671
[FaxPhone]=6822377674 [PreviousCaseNumber]=0 [FormType]=Invoice Extension
[Owner]=DEADLINEEXTENSIONS [DateSubmitted]=10/15/2015 12:53:31 PM
[AttachmentFlag]=N[Question2]=Contact Name: Tracy Neal Contact Information:
TracyNeal@vstservices.com FCC Form 471 Application Number: 949911 Funding Request
Number: 2608995 Service Provider Name: Greater Austin Area Telecommunications Network
SPIN: 143034881*

Exhibit 4

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PRINTABLE PAGE

Invoice ID: 2290378
 Created on 11/12/2015 4:15 PM
 Last updated on 11/17/2015 5:04 AM

Applicant Form Identifier 2608995

Block 1: Header Information[Need Help?](#)

1. Billed Entity Name
 AUSTIN INDEP SCHOOL
 DISTRICT

2. Billed Entity Number
 141739

**3. Service Provider
 Identification Number (SPIN)**
 143034881

Applicant FCC Form 498 ID

4. Contact Name RUSSELL NEAL

5. Contact Telephone Phone (682) 237-7670

Contact Fax

Contact Email

6. Total Reimbursement Amount
 (total from Block 2, Column 14)
 \$ 381786.76

Block 2: Line Item Information Per Funding Request Number[Need Help?](#)

7. FCC Form 471 Application Number (from Funding Commitment Decision Letter)	8. Funding Request Number (FRN) (from Funding Commitment Decision Letter)	9. Bill Frequency	10. Customer Billed Date	11. Shipping date to Customer or Last Day of Work Performed (mm/dd/yyyy)	12. Total (Undiscounted) Amount for Service	13. Discount Rate	14. Discount Amount Billed to USAC (Column 12 multiplied by Column 13)	Approval Status
1) 949911	2608995	WEEKLY	3/1/2015		\$ 44738.79	71	\$ 31764.54	COMPLETED
2) 949911	2608995	WEEKLY	7/1/2014		\$ 45169.97	71	\$ 32070.68	COMPLETED
3) 949911	2608995	WEEKLY	1/1/2015		\$ 44738.79	71	\$ 31764.54	COMPLETED
4) 949911	2608995	WEEKLY	6/1/2015		\$ 44738.79	71	\$ 31764.54	COMPLETED
5) 949911	2608995	WEEKLY	5/1/2015		\$ 44738.79	71	\$ 31764.54	COMPLETED
6) 949911	2608995	WEEKLY	10/1/2014		\$ 44738.79	71	\$ 31764.54	COMPLETED
7) 949911	2608995	WEEKLY	8/1/2014		\$ 45169.97	71	\$ 32070.68	COMPLETED
8) 949911	2608995	WEEKLY	12/1/2014		\$ 44738.79	71	\$ 31764.54	COMPLETED

9)	949911	2608995	WEEKLY	9/1/2014	\$ 44738.79	71	\$ 31764.54	COMPLETED
10)	949911	2608995	WEEKLY	4/1/2015	\$ 44738.79	71	\$ 31764.54	COMPLETED
11)	949911	2608995	WEEKLY	11/1/2014	\$ 44738.79	71	\$ 31764.54	COMPLETED
12)	949911	2608995	WEEKLY	2/1/2015	\$ 44738.79	71	\$ 31764.54	COMPLETED

Block 3: Billed Entity Certification[Need Help?](#)**Contact Information for Billed Entity Authorized Person:**

By logging into your account using your PIN, checking this box, and clicking the "certify" button at the end of the form, you have electronically signed the form. You are reminded that an electronic signature is the same as a handwritten signature on the form. To see a copy of the Terms and Conditions to which you previously agreed, please click on the "Terms and Conditions" menu above.

Submission Date 11/12/2015

17. Name RUSSELL NEAL
18. Title/Position E-RATE MANAGER
20. Address 1 905 TROPHY CLUB DR.
Address 2
City TROPHY CLUB
State TX
Zip Code 76262 -

19. Phone Number (682) 237-7670**19a. Fax Number****19b. Email****19c. Name of Authorized
Person's Employer**

OMB Number 3060 - 0856 Form 472

[SLD Home](#) | [Contact Us](#)

Client Service Bureau: 1-888-203-8100

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FCC Form 472

**DO NOT STAPLE THIS
FORM**

Do not write in this space.

Approved by OMB
OMB Control No. 3060 - 0856
Estimated time per Response: 1.0
hours**Universal Service for Schools and Libraries**Please read instructions
before completing.(To be completed by schools,
libraries, or consortia.)**BILLED ENTITY APPLICANT REIMBURSEMENT FORM****For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.****Only one Service Provider Identification Number (SPIN) per form.****Must be completed and signed by the Billed Entity Applicant and signed by the relevant service provider.****Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.****FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT**

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to range from 1 to 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERF, Paperwork Reduction Act Project (3060-0856), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

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**Applicant Form Identifier (Create an identifier
for your own reference)**
2608995**FCC Form 472 Invoice #**
(To be inserted by administrator) 2290378**BLOCK 1: HEADER INFORMATION****1. Billed Entity Name****AUSTIN INDEP SCHOOL
DISTRICT****2. Billed Entity Number****141739**

3. Service Provider Identification Number (SPIN)	143034881
4. Contact Name	RUSSELL NEAL
5. Contact Telephone Number	682- 2377670 ext
6. Total Reimbursement Amount (total from Block 2, Column 14)	\$381,786.76

Approved by OMB
OMB Control No.3060 - 0856
Estimated time per Response: 1.0 hours

Billed Entity Applicant Reimbursement Form

For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.

Billed Entity Name AUSTIN INDEP SCHOOL DISTRICT Billed Entity Number 141739
Contact Name RUSSELL NEAL Contact Telephone Number 682-2377670
Applicant Form Identifier 2608995

BLOCK 2: LINE ITEM INFORMATION PER FUNDING REQUEST NUMBER

	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	FCC Form 471 Application Number (from Funding Commitment Decision Letter)	Funding Request Number (FRN) (from Funding Commitment Decision Letter)	Bill Frequency	Customer Billed Date (mm/yyyy)	Shipping Date to Customer or Last Day of Work Performed (mm/dd/yyyy)	Total (Undiscounted) Amount for Service	Discount Rate	Amount Billed to USAC (Column 12 multiplied by Column 13)
			DO NOT WRITE IN THIS COLUMN.	For each FRN, complete either Column (10) or Column (11), but not both Columns				
1	949911	2608995		10/1/2014		\$44,738.79	71.00	\$31,764.54
2	949911	2608995		5/1/2015		\$44,738.79	71.00	\$31,764.54
3	949911	2608995		4/1/2015		\$44,738.79	71.00	\$31,764.54
4	949911	2608995		2/1/2015		\$44,738.79	71.00	\$31,764.54
5	949911	2608995		3/1/2015		\$44,738.79	71.00	\$31,764.54
6	949911	2608995		11/1/2014		\$44,738.79	71.00	\$31,764.54
7	949911	2608995		6/1/2015		\$44,738.79	71.00	\$31,764.54
8	949911	2608995		1/1/2015		\$44,738.79	71.00	\$31,764.54
9	949911	2608995		8/1/2014		\$45,169.97	71.00	\$32,070.68
10	949911	2608995		9/1/2014		\$44,738.79	71.00	\$31,764.54
11	949911	2608995		7/1/2014		\$45,169.97	71.00	\$32,070.68
12	949911	2608995		12/1/2014		\$44,738.79	71.00	\$31,764.54
13								
14								
TOTAL REIMBURSEMENT AMOUNT TO BE ENTERED INTO ITEM (6)								\$381,786.76

Approved by OMB
OMB Control No.3060 - 0856
Estimated time per Response: 1.0 hours

BILLED ENTITY APPLICANT Reimbursement Form

Billed Entity Name AUSTIN INDEP SCHOOL DISTRICT

Billed Entity Number 141739

Contact Name RUSSELL NEAL

Applicant Form Identifier 2608995

Block 3: Billed Entity Certification

I declare under penalty of perjury that the foregoing is true and correct and that I am authorized to submit this Billed Entity Applicant Reimbursement Form on behalf of the eligible schools, libraries, or consortia of those entities represented on this Form, and I certify to the best of my knowledge, information and belief, as follows:

- A. The discount amounts listed in Column (14) of this Billed Entity Applicant Reimbursement Form represent charges for eligible services delivered to and used by eligible schools, libraries, or consortia of those entities for educational purposes, on or after the service start date reported on the associated Form 486.
- B. The discount amounts listed in Column (14) of this Billed Entity Applicant Reimbursement Form were already billed by the service provider and paid by the Billed Entity Applicant on behalf of eligible schools, libraries, and consortia of those entities.
- C. The discount amounts listed in Column (14) of this Billed Entity Applicant Reimbursement Form are for eligible services approved by the fund administrator pursuant to a Form 471 Funding Commitment Decision Letter.
- D. I recognize that I may be audited pursuant to this application and will retain for five years any and all records that I rely upon to fill in this form.
- E. I certify that, in addition to the foregoing, this Billed Entity Applicant is in compliance with the rules and orders governing the schools and libraries universal service support program, and I acknowledge that failure to be in compliance and remain in compliance with those rules and orders may result in the denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with the rules and orders governing the schools and libraries universal service support program could result in civil or criminal prosecution by law enforcement authorities.

15. Signature of authorized person

16. Date

17. Printed name of authorized person **RUSSELL NEAL**

18. Title or position of authorized person **E-RATE MANAGER**

19. Telephone number of authorized person **682- 2377670**

20. Address of authorized person **905 TROPHY CLUB DR., TROPHY CLUB TX 76262**

Approved by OMB
OMB Control No.3060 - 0856
Estimated time per Response: 1.0 hours

BILLED ENTITY APPLICANT Reimbursement Form

Billed Entity Name AUSTIN INDEP SCHOOL DISTRICT

Billed Entity Number 141739

Contact Name RUSSELL NEAL

Applicant Form Identifier 2608995

Block 4: Service Provider Acknowledgment

I declare under penalty of perjury that the foregoing is true and correct and that I am authorized to submit this Service Provider Acknowledgment for this Billed Entity Applicant Reimbursement Form, and acknowledge to the best of my knowledge, information and belief, as follows:

- A. The service provider must remit the discount amount authorized by the fund administrator to the Billed Entity Applicant who prepared and submitted this Billed Entity Applicant Reimbursement Form as soon as possible after the fund administrator's notification to the service provider of the amount of the approved discounts on this Billed Entity Applicant Reimbursement Form, but in no event later than 20 business days after receipt of the reimbursement payment from the fund administrator, subject to the restriction set forth in B. below.
- B. The service provider must remit payment of the approved discount amount to the Billed Entity Applicant prior to tendering or making use of the payment issued by the Universal Service Administrative Company to the service provider of the approved discounts for the Billed Entity Applicant Reimbursement Form.
- C. I certify that, in addition to the foregoing, this Service Provider is in compliance with the rules and orders governing the schools and libraries universal service support program, and I acknowledge that failure to be in compliance and remain in compliance with those rules and orders may result in the denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with the rules and orders governing the schools and libraries universal service support program could result in civil or criminal prosecution by law enforcement authorities.

21. Signature of authorized person (fax, copy or original signature)

22. Date

23. Printed name of authorized person **FRANK AMMONS**

24. Title or position of authorized person **GAATN NETWORK MANAGER**

25. Telephone number of authorized person - ext

26. Address of authorized person **1124 S I H 35, AUSTIN TX 78741**

27.Applicant Remittance Information

Name **JOHN KOHLMORGAN**

Title **WAN MANAGER**

Street Address

1949 S IH 35

AUSTIN, TX 78741

Approved by OMB
OMB Control No.3060 - 0856
Estimated time per Response: 1.0 hours

A paper copy of this Form (pages 1-4) should be mailed to:

**SLD BEAR FCC Form 472
P.O. Box 7026
Lawrence, KS 66044-7026**

If sent by express delivery services or U.S. Postal Service, Return Receipt Requested, the form (pages 1-4) should be mailed to:

**SLD Forms
ATTN: SLD BEAR FCC Form 472
3833 Greenway Drive
Lawrence, KS 66046
Phone: 1-888-203-8100**

Page 5 of 5

FCC Form 472

July 2013

Exhibit 5

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PRINTABLE PAGE

Invoice ID: 2297721
 Created on 12/4/2015 5:03 PM
 Last updated on 12/18/2015 5:03 AM

Applicant Form Identifier 2608995

Block 1: Header Information[Need Help?](#)

1. Billed Entity Name
 AUSTIN INDEP SCHOOL
 DISTRICT

2. Billed Entity Number
 141739

**3. Service Provider
 Identification Number (SPIN)**
 143034881

Applicant FCC Form 498 ID

4. Contact Name RUSSELL NEAL
5. Contact Telephone Phone (682) 237-7670
Contact Fax
Contact Email

6. Total Reimbursement Amount
 (total from Block 2, Column 14)
 \$ 381786.76

Block 2: Line Item Information Per Funding Request Number[Need Help?](#)

7. FCC Form 471 Application Number (from Funding Commitment Decision Letter)	8. Funding Request Number (FRN) (from Funding Commitment Decision Letter)	9. Bill Frequency	10. Customer Billed Date	11. Shipping date to Customer or Last Day of Work Performed (mm/dd/yyyy)	12. Total (Undiscounted) Amount for Service Rate	13. Discount Rate	14. Discount Amount Billed to USAC (Column 12 multiplied by Column 13)	Approval Status
1) 949911	2608995	WEEKLY	7/1/2014		\$ 45169.97	71	\$ 32070.68	COMPLETED
2) 949911	2608995	WEEKLY	11/1/2014		\$ 44738.79	71	\$ 31764.54	COMPLETED
3) 949911	2608995	WEEKLY	8/1/2014		\$ 45169.97	71	\$ 32070.68	COMPLETED
4) 949911	2608995	WEEKLY	12/1/2014		\$ 44738.79	71	\$ 31764.54	COMPLETED
5) 949911	2608995	WEEKLY	4/1/2015		\$ 44738.79	71	\$ 31764.54	COMPLETED
6) 949911	2608995	WEEKLY	10/1/2014		\$ 44738.79	71	\$ 31764.54	COMPLETED
7) 949911	2608995	WEEKLY	9/1/2014		\$ 44738.79	71	\$ 31764.54	COMPLETED
8) 949911	2608995	WEEKLY	6/1/2015		\$ 44738.79	71	\$ 31764.54	COMPLETED

9) 949911	2608995	WEEKLY	5/1/2015	\$ 44738.79	71	\$ 31764.54	COMPLETED
10) 949911	2608995	WEEKLY	2/1/2015	\$ 44738.79	71	\$ 31764.54	COMPLETED
11) 949911	2608995	WEEKLY	1/1/2015	\$ 44738.79	71	\$ 31764.54	COMPLETED
12) 949911	2608995	WEEKLY	3/1/2015	\$ 44738.79	71	\$ 31764.54	COMPLETED

Block 3: Billed Entity Certification

Need Help?

Contact Information for Billed Entity Authorized Person:

By logging into your account using your PIN, checking this box, and clicking the "certify" button at the end of the form, you have electronically signed the form. You are reminded that an electronic signature is the same as a handwritten signature on the form. To see a copy of the Terms and Conditions to which you previously agreed, please click on the "Terms and Conditions" menu above.

Submission Date 12/4/2015

17. Name RUSSELL NEAL
 18. Title/Position E-RATE MANAGER
 20. Address 1 905 TROPHY CLUB DR., SUITE 202
 Address 2
 City TROPHY CLUB
 State TX
 Zip Code 76262 - 5572

19. Phone Number (682) 237-7670
 19a. Fax Number
 19b. Email
 19c. Name of Authorized Person's Employer

OMB Number 3060 - 0856 Form 472

[SLD Home](#) | [Contact Us](#)

Client Service Bureau 1-888-203-8100

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FCC Form 472
**DO NOT STAPLE THIS
 FORM**

Do not write in this space.

Approved by OMB
 OMB Control No. 3060 - 0856
 Estimated time per Response: 1.0
 hours

Universal Service for Schools and Libraries

Please read instructions
 before completing.

(To be completed by schools,
 libraries, or consortia.)

BILLED ENTITY APPLICANT REIMBURSEMENT FORM

For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.

Only one Service Provider Identification Number (SPIN) per form.

Must be completed and signed by the Billed Entity Applicant and signed by the relevant service provider.

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to range from 1 to 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERF, Paperwork Reduction Act Project (3060-0856), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0856.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

Applicant Form Identifier (Create an identifier
 for your own reference)
 2608995

FCC Form 472 Invoice #
 (To be inserted by administrator) 2297721

BLOCK 1: HEADER INFORMATION

1. Billed Entity Name

AUSTIN INDEP SCHOOL
 DISTRICT

2. Billed Entity Number

141739

3. Service Provider Identification Number (SPIN)	143034881
4. Contact Name	RUSSELL NEAL
5. Contact Telephone Number	682- 2377670 ext
6. Total Reimbursement Amount (total from Block 2, Column 14)	\$381,786.76

Approved by OMB
OMB Control No.3060 - 0856
Estimated time per Response: 1.0 hours

Billed Entity Applicant Reimbursement Form

For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.

Billed Entity Name AUSTIN INDEP SCHOOL DISTRICT Billed Entity Number 141739
Contact Name RUSSELL NEAL Contact Telephone Number 682-2377670
Applicant Form Identifier 2608995

BLOCK 2: LINE ITEM INFORMATION PER FUNDING REQUEST NUMBER

	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	FCC Form 471 Application Number (from Funding Commitment Decision Letter)	Funding Request Number (FRN) (from Funding Commitment Decision Letter)	Bill Frequency	Customer Billed Date (mm/yyyy)	Shipping Date to Customer or Last Day of Work Performed (mm/dd/yyyy)	Total (Undiscounted) Amount for Service	Discount Rate	Amount Billed to USAC (Column 12 multiplied by Column 13)
			DO NOT WRITE IN THIS COLUMN.	For each FRN, complete either Column (10) or Column (11), but not both Columns				
1	949911	2608995		4/1/2015		\$44,738.79	71.00	\$31,764.54
2	949911	2608995		2/1/2015		\$44,738.79	71.00	\$31,764.54
3	949911	2608995		5/1/2015		\$44,738.79	71.00	\$31,764.54
4	949911	2608995		12/1/2014		\$44,738.79	71.00	\$31,764.54
5	949911	2608995		9/1/2014		\$44,738.79	71.00	\$31,764.54
6	949911	2608995		7/1/2014		\$45,169.97	71.00	\$32,070.68
7	949911	2608995		6/1/2015		\$44,738.79	71.00	\$31,764.54
8	949911	2608995		10/1/2014		\$44,738.79	71.00	\$31,764.54
9	949911	2608995		1/1/2015		\$44,738.79	71.00	\$31,764.54
10	949911	2608995		11/1/2014		\$44,738.79	71.00	\$31,764.54
11	949911	2608995		8/1/2014		\$45,169.97	71.00	\$32,070.68
12	949911	2608995		3/1/2015		\$44,738.79	71.00	\$31,764.54
13								
14								
TOTAL REIMBURSEMENT AMOUNT TO BE ENTERED INTO ITEM (6)								\$381,786.76

July 2013

Approved by OMB
OMB Control No.3060 - 0856
Estimated time per Response: 1.0 hours

BILLED ENTITY APPLICANT Reimbursement Form

Billed Entity Name AUSTIN INDEP SCHOOL DISTRICT

Billed Entity Number 141739

Contact Name RUSSELL NEAL

Applicant Form Identifier 2608995

Block 4: Service Provider Acknowledgment

I declare under penalty of perjury that the foregoing is true and correct and that I am authorized to submit this Service Provider Acknowledgment for this Billed Entity Applicant Reimbursement Form, and acknowledge to the best of my knowledge, information and belief, as follows:

- A. The service provider must remit the discount amount authorized by the fund administrator to the Billed Entity Applicant who prepared and submitted this Billed Entity Applicant Reimbursement Form as soon as possible after the fund administrator's notification to the service provider of the amount of the approved discounts on this Billed Entity Applicant Reimbursement Form, but in no event later than 20 business days after receipt of the reimbursement payment from the fund administrator, subject to the restriction set forth in B. below.
- B. The service provider must remit payment of the approved discount amount to the Billed Entity Applicant prior to tendering or making use of the payment issued by the Universal Service Administrative Company to the service provider of the approved discounts for the Billed Entity Applicant Reimbursement Form.
- C. I certify that, in addition to the foregoing, this Service Provider is in compliance with the rules and orders governing the schools and libraries universal service support program, and I acknowledge that failure to be in compliance and remain in compliance with those rules and orders may result in the denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with the rules and orders governing the schools and libraries universal service support program could result in civil or criminal prosecution by law enforcement authorities.

21. Signature of authorized person (fax, copy or original signature)

22. Date

23. Printed name of authorized person **FRANK AMMONS**

24. Title or position of authorized person **GAATN NETWORK MANAGER**

25. Telephone number of authorized person - ext

26. Address of authorized person **11245 IH 35, AUSTIN TX 78704**

27.Applicant Remittance Information

Name

Title

Street Address

Approved by OMB
OMB Control No.3060 - 0856
Estimated time per Response: 1.0 hours

A paper copy of this Form (pages 1-4) should be mailed to:

SLD BEAR FCC Form 472
P.O. Box 7026
Lawrence, KS 66044-7026

If sent by express delivery services or U.S. Postal Service, Return Receipt Requested, the form (pages 1-4) should be mailed to:

SLD Forms
ATTN: SLD BEAR FCC Form 472
3833 Greenway Drive
Lawrence, KS 66046
Phone: 1-888-203-8100

Exhibit 6



Universal Service Administrative Company

Schools and Libraries Division

Form 472 (BEAR) Notification Letter

December 23, 2015

Martha Krischke
Greater Austin Area Telecommunications Network
1124 So. IH 35, 3rd FL, City of Austin CTM Dept.
Austin, TX 78704

Re: Invoice Number - as assigned by USAC: 2297721
Service Provider Identification Number: 143034881
Reimbursement Form Number: 2608995
Billed Entity Number: 141739

Russell Neal
AUSTIN INDEP SCHOOL DISTRICT
905 Trophy Club Dr. Suite 202
Trophy Club, TX 76262

Preferred Mode of Contact: E-mail at RNeal@vstservices.com
Total Amount of Reimbursement Approved for Payment: \$63835.22

This letter is your notification that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has processed an FCC Form 472, "Billed Entity Applicant Reimbursement (BEAR)" Form from the above named applicant listing you as the service provider. USAC has committed to reimburse the discounted portion of the cost of eligible services provided to eligible entities pursuant to one or more FCC Forms 471, "Description of Services Ordered and Certification Form".

In certain instances, a line may not have been paid. Review the BEAR Letter Applicant Reimbursement Report (Report) following this letter for the reason(s) this may have occurred. For more information about lines that have not been paid, see the explanation of Invoice Error Codes in Step 9 on our website. Work with the applicant (your customer) to correct any errors. Once corrected, your customer may submit a new BEAR to request reimbursement for any unpaid lines.

We recommend using the BEAR Online tool from the Apply Online area or Required Forms section of our website for additional submissions. If a new BEAR cannot be submitted before the invoice deadline passes, you or your customer may submit a request for a deadline extension. (See "Invoice Deadlines and Extension Requests" posted in the SLD section of our website for more information.)

Pursuant to the Federal Communication Commission's (FCC) Second Report and Order and Further Notice of Proposed Rulemaking (FCC 03-101, released April 29, 2003), you must remit the amount shown as "Total Amount of Reimbursement Approved for Payment" above to your customer no later than 20 days after receipt of payment of the approved discounts from USAC. You also agreed not to tender or make use of the payment of the approved discounts issued by USAC to you prior to remitting the discount to your customer (See BEAR Form, Block 4, Service Provider Acknowledgment).

The USAC check should be mailed to the service provider named above within 20 days of the date of this letter.

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

The maximum remaining amount available for each Funding Request Number (FRN) listed on the Report will be the original commitment less the amount approved herein for reimbursement and less any earlier disbursements to your customer.

PLEASE NOTE: The type of invoice form (BEAR or SPI) for the funding year is established by the receipt and approval of the first invoice submitted for the FRN for the funding year. For example, if we successfully process a BEAR for an FRN, we will not approve a SPI for that same FRN at a later time.

Please see the Guide to Letter Reports posted on our website for an explanation of the items listed in the attached Report.

COMPLETE PROGRAM INFORMATION is posted on our website. You may also contact our Client Service Bureau using the "Submit a Question" link on our website, toll-free by fax at 1-888-276-8736 or toll-free by phone at 1-888-203-8100.

Schools and Libraries Division
Universal Service Administrative Company

CC: AUSTIN INDEP SCHOOL DISTRICT

BEAR NOTIFICATION LETTER APPLICANT REIMBURSEMENT REPORT

Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$31764.54

Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$0.00
Reimbursement Request Decision Explanation:
Incomplete documents provided for review;

Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$0.00
Reimbursement Request Decision Explanation:
Incomplete documents provided for review;

Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$0.00
Reimbursement Request Decision Explanation:
Incomplete documents provided for review;

Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$0.00
Reimbursement Request Decision Explanation:
Incomplete documents provided for review;

BEAR NOTIFICATION LETTER APPLICANT REIMBURSEMENT REPORT

Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$0.00
Reimbursement Request Decision Explanation:
Incomplete documents provided for review;

Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$32070.68

Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$0.00
Reimbursement Request Decision Explanation:
Incomplete documents provided for review;

Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$0.00
Reimbursement Request Decision Explanation:
Incomplete documents provided for review;

Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$0.00
Reimbursement Request Decision Explanation:
Incomplete documents provided for review;

BEAR NOTIFICATION LETTER APPLICANT REIMBURSEMENT REPORT

Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$0.00
Reimbursement Request Decision Explanation:
Incomplete documents provided for review;

Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$0.00
Reimbursement Request Decision Explanation:
Incomplete documents provided for review;





USAC

Universal Service Administrative Company
Schools and Libraries Division

Correspondence Unit

30 Lanidex Plaza West

PO Box 685

Parsippany, NJ 07054-0685



TIME SENSITIVE MATERIAL

00102

Russell Neal

AUSTIN INDEP SCHOOL DISTRICT

905 Trophy Club Dr. Suite 202

Trophy Club, TX 76262

Exhibit 7



Universal Service Administrative Company

Schools and Libraries Division

Form 472 (BEAR) Notification Letter

March 11, 2016

Martha Krischke
Greater Austin Area Telecommunications Network
1124 So. IH 35, 3rd FL, City of Austin CTM Dept.
Austin, TX 78704

Re: Invoice Number - as assigned by USAC: 2334235
Service Provider Identification Number: 143034881
Reimbursement Form Number: AUSTIN ISD GAATN INVOICE 10 MONTHS
Billed Entity Number: 141739

Russell Neal
AUSTIN INDEP SCHOOL DISTRICT
905 Trophy Club Dr. Suite 202
Trophy Club, TX 76262

Preferred Mode of Contact: E-mail at RNeal@vstservices.com
Total Amount of Reimbursement Approved for Payment: \$285880.86

This letter is your notification that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has processed an FCC Form 472, "Billed Entity Applicant Reimbursement (BEAR)" Form from the above named applicant listing you as the service provider. USAC has committed to reimburse the discounted portion of the cost of eligible services provided to eligible entities pursuant to one or more FCC Forms 471, "Description of Services Ordered and Certification Form".

In certain instances, a line may not have been paid. Review the BEAR Letter Applicant Reimbursement Report (Report) following this letter for the reason(s) this may have occurred. For more information about lines that have not been paid, see the explanation of Invoice Error Codes in Step 9 on our website. Work with the applicant (your customer) to correct any errors. Once corrected, your customer may submit a new BEAR to request reimbursement for any unpaid lines.

We recommend using the BEAR Online tool from the Apply Online area or Required Forms section of our website for additional submissions. If a new BEAR cannot be submitted before the invoice deadline passes, you or your customer may submit a request for a deadline extension. (See "Invoice Deadlines and Extension Requests" posted in the SLD section of our website for more information.)

Pursuant to the Federal Communication Commission's (FCC) Second Report and Order and Further Notice of Proposed Rulemaking (FCC 03-101, released April 29, 2003), you must remit the amount shown as "Total Amount of Reimbursement Approved for Payment" above to your customer no later than 20 days after receipt of payment of the approved discounts from USAC. You also agreed not to tender or make use of the payment of the approved discounts issued by USAC to you prior to remitting the discount to your customer (See BEAR Form, Block 4, Service Provider Acknowledgment).

The USAC check should be mailed to the service provider named above within 20 days of the date of this letter.

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

The maximum remaining amount available for each Funding Request Number (FRN) listed on the Report will be the original commitment less the amount approved herein for reimbursement and less any earlier disbursements to your customer.

PLEASE NOTE: The type of invoice form (BEAR or SPI) for the funding year is established by the receipt and approval of the first invoice submitted for the FRN for the funding year. For example, if we successfully process a BEAR for an FRN, we will not approve a SPI for that same FRN at a later time.

Please see the Guide to Letter Reports posted on our website for an explanation of the items listed in the attached Report.

COMPLETE PROGRAM INFORMATION is posted on our website. You may also contact our Client Service Bureau using the "Submit a Question" link on our website, toll-free by fax at 1-888-276-8736 or toll-free by phone at 1-888-203-8100.

Schools and Libraries Division
Universal Service Administrative Company

CC: AUSTIN INDEP SCHOOL DISTRICT

BEAR NOTIFICATION LETTER APPLICANT REIMBURSEMENT REPORT



Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$31764.54

Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$31764.54

Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$31764.54

Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$31764.54

Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$31764.54

BEAR NOTIFICATION LETTER APPLICANT REIMBURSEMENT REPORT

Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$0.00
Reimbursement Request Decision Explanation:
Duplicate invoicing of line item;

Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$31764.54

Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$31764.54

Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$31764.54

Form 471 Application Number: 949911
Funding Request Number: 2608995
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: MTM
Funding Commitment Decision: \$384848.14
Reimbursement Amount for this FRN: \$31764.54



Exhibit 8

John Judice
AUSTIN INDEP SCHOOL DISTRICT
1111 W 6TH STREET
AUSTIN, TX 78703-5300

Billed Entity Number: 141739
Form 471 Application Number: 949911



Universal Service
Administrative Co.

Schools and Libraries Division

Administrator's Decision on FCC Remand - Funding Year 2014

August 2, 2017

John Judice
AUSTIN INDEP SCHOOL DISTRICT
1111 W 6TH STREET
AUSTIN, TX 78703-5300

Re: Applicant Name: AUSTIN INDEP SCHOOL DISTRICT
 Billed Entity Number: 141739
 Form 471 Application Number: 949911
 Funding Request Number: 2608995
 FCC Order: 17-526
 FCC Order Release Date: May 30, 2017
 Invoice Due Date: September 1, 2017

Dear Program Participant:

You are receiving this Administrator's Decision Letter because USAC has identified you as qualifying for relief provided for in FCC Order DA 17-526 released on May 30, 2017.

In DA 17-526, the FCC directed USAC to allow applicants to resubmit invoices, or Billed Entity Applicant Reimbursement (BEAR) forms, which had been timely filed between August 2014 and July 2016 and that were rejected "based on a lack of timely service provider certification before the invoice filing deadline." The FCC directed USAC to allow for resubmission of these BEARs and processing within the next 90 days.

We have identified your BEAR form for the invoice # 2237901 where the system change prevented service providers from certifying BEARs that were pending on July 1, 2016. The remaining commitment on this Funding Request is \$35132.06.

Please resubmit your BEAR form for the information identified above by September 1, 2017 for processing.

If you need further assistance with filing your BEAR form, please see the BEAR form instructions on the USAC website or contact our Client Service Bureau (CSB) at 1-888-203-8100.

In addition, please note, service providers need to annually file a Service Provider Annual Certification (SPAC) Form, to certify they will comply with program rules. Your service provider(s) must have a SPAC Form on file for each Service Provider Identification Number (SPIN) indicated on your BEAR form.

Sincerely,

Schools and Libraries Division
Universal Service Administrative Company

Exhibit 9

FCC Form 472

Do not write in this space.

Approved by OMB
OMB Control No. 3060 - 0856
Estimated time per Response: 1.0
hours

Universal Service for Schools and Libraries

Please read instructions
before completing.

(To be completed by schools,
libraries, or consortia.)

BILLED ENTITY APPLICANT REIMBURSEMENT FORM

For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.

Only one Service Provider Identification Number (SPIN) per form.

Must be completed and signed by the Billed Entity Applicant.

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to range from 1 to 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERF, Paperwork Reduction Act Project (3060-0856), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0856.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

Applicant Form Identifier (Create an identifier for your own reference) 2608995	FCC Form 472 Invoice # (To be inserted by administrator) 2659897
--	---

BLOCK 1: HEADER INFORMATION

1. Billed Entity Name	AUSTIN INDEP SCHOOL DISTRICT
2. Billed Entity Number	141739
3. Service Provider Identification Number (SPIN)	143034881

Applicant FCC Form 498 ID	443009508
4. Contact Name	RUSSELL NEAL
5. Contact Telephone Number	682- 2377670 ext
6. Total Reimbursement Amount (total from Block 2, Column 14)	\$32,070.68

Approved by OMB
OMB Control No.3060 - 0856
Estimated time per Response: 1.0 hours

Billed Entity Applicant Reimbursement Form

For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.

Billed Entity Name AUSTIN INDEP SCHOOL DISTRICT Billed Entity Number 141739
Contact Name RUSSELL NEAL Contact Telephone Number 682-2377670
Applicant Form Identifier 2608995

BLOCK 2: LINE ITEM INFORMATION PER FUNDING REQUEST NUMBER

	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	FCC Form 471 Application Number (from Funding Commitment Decision Letter)	Funding Request Number (FRN) (from Funding Commitment Decision Letter)	Bill Frequency	Customer Billed Date (mm/yyyy)	Shipping Date to Customer or Last Day of Work Performed (mm/dd/yyyy)	Total (Undiscounted) Amount for Service	Discount Rate	Amount Billed to USAC (Column 12 multiplied by Column 13)
			DO NOT WRITE IN THIS COLUMN.	For each FRN, complete either Column (10) or Column (11), but not both Columns				
1	949911	2608995	MONTHLY	7/1/2014		\$45,169.97	71.00	\$32,070.68
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
TOTAL REIMBURSEMENT AMOUNT TO BE ENTERED INTO ITEM (6)								\$32,070.68

Approved by OMB
OMB Control No.3060 - 0856
Estimated time per Response: 1.0 hours

BILLED ENTITY APPLICANT Reimbursement Form

Billed Entity Name AUSTIN INDEP SCHOOL DISTRICT

Billed Entity Number 141739

Contact Name RUSSELL NEAL

Applicant Form Identifier 2608995

Block 3: Billed Entity Certification

I declare under penalty of perjury that the foregoing is true and correct and that I am authorized to submit this Billed Entity Applicant Reimbursement Form on behalf of the eligible schools, libraries, or consortia of those entities represented on this Form, and I certify to the best of my knowledge, information and belief, as follows:

- A. The discount amounts listed in this Billed Entity Applicant Reimbursement Form represent charges for eligible services and/or equipment delivered to and used by eligible schools, libraries, or consortia of those entities for educational purposes, on or after the service start date reported on the associated FCC Form 486.
- B. The discount amounts listed in this Billed Entity Applicant Reimbursement Form were already billed by the Service Provider and paid for by the Billed Entity Applicant on behalf of eligible schools, libraries, and consortia of those entities.
- C. The discount amounts listed in this Billed Entity Applicant Reimbursement Form are for eligible services and/or equipment approved by the Fund Administrator pursuant to a Funding Commitment Decision Letter (FCDL).
- D. I acknowledge that I may be audited pursuant to this application and will retain for at least 10 years (or whatever retention period is required by the rules in effect at the time of this certification), after the latter of the last day of the applicable funding year or the service delivery deadline for the funding request any and all records that I rely upon to complete this form.
- E. I certify that, in addition to the foregoing, this Billed Entity Applicant is in compliance with the rules and orders governing the schools and libraries universal service support program, and I acknowledge that failure to be in compliance and remain in compliance with those rules and orders may result in the denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with the rules and orders governing the schools and libraries universal service support program could result in civil or criminal prosecution by law enforcement authorities.

15. Signature of authorized person **Signed electronically by RUSSELL NEAL**

16. Date **8/11/2017**

17. Printed name of authorized person **RUSSELL NEAL**

18. Title or position of authorized person **E-RATE MANAGER**

19. Telephone number of authorized person **682- 2377670**

20. Address of authorized person **905 TROPHY CLUB DR. SUITE 202, SUITE 202, TROPHY CLUB TX 76262-5572**

Exhibit 10

From: John Judice [<mailto:john.judice@austinisd.org>]
Sent: Tuesday, September 05, 2017 4:24 PM
To: Russell Neal
Subject: FW: YOUR E-RATE PROGRAM REMITTANCE STATEMENT: 443009508

For your records:

Thanks,

John Judice
WAN Group – NSS - AISD
Office 512-414-9294
Cell 512-947-6276
Fax 512-414-9367

From: CustomerSupport@usac.org [<mailto:CustomerSupport@usac.org>]
Sent: Tuesday, September 5, 2017 3:14 PM
To: John Judice <john.judice@austinisd.org>
Subject: YOUR E-RATE PROGRAM REMITTANCE STATEMENT: 443009508

**SCHOOLS AND LIBRARIES BEAR PROGRAM REMITTANCE STATEMENT
AS OF SEPTEMBER 05, 2017**

**Attn: John Judice
AUSTIN INDEPENDENT SCHOOL DISTRICT**

RE: FCC Form 498 ID 443009508

This notice provides an explanation of your entity's Billed Entity Applicant Reimbursement (BEAR) payment for the following invoices.

		Approved
9/4/2017	143034881 Greater Austin Area Telecommunications Network 2608995 2608995 Applicant Name:AUSTIN INDEP SCHOOL DISTRICT;SLD Invoice Number:2659897;BEAR Letter Date:09/04/2017;Line Item Detail Number:8776411;Amount Requested:32070.68;	\$32,070.68

Total Approved Disbursement	<u>\$32,070.68</u>
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Total Actual Disbursement:	<u>\$32,070.68</u>
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If you have any questions, please contact USAC Customer Operations at (888) 641-8722 or CustomerSupport@usac.org. You may also visit us at www.usac.org.

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EXHIBIT 11

August 16, 2018

Letter of Appeal
Universal Service Administrative Company
Schools and Libraries Division – Correspondence Unit
30 Lanidex Plaza West
P.O. Box 685
Parsippany, NJ 07054-0685

Re: Appeal of Austin Independent School District; FY 2014; BEN: 141739

Dear Appeals Reviewer:

Pursuant to 47 C.F.R. § 54.719(a), Austin Independent School District (Austin ISD or the District) hereby respectfully submits this appeal of a decision by the Universal Service Administrative Company (USAC) to recover funds from Austin ISD for funding year 2014. VST Services, LLC, is Austin ISD's E-rate consultant, and is filing this appeal for the District.

Funding Year	Form 471#	FRN#	Recovery Letter
2014	949911	2608995	June 18, 2018

Contact:

Russell Neal
VST Services, LP
905 Trophy Club Drive # 202
Trophy Club, TX 76262
rneal@vstservices.com
(682) 237-7670

USAC's Funding Commitment Adjustment Explanation

You received disbursements after your invoice deadline. For recurring services, invoices must be submitted no later than 120 days after the last day to receive service or 120 days after the FCC Form 486 Notification Letter date, whichever is later. Services must be delivered within the fund year. Your invoice was received after the invoice deadline. Therefore, USAC must seek recovery of improperly disbursed funds in the amount of \$32,070.68.¹

Summary

Austin ISD respectfully appeals USAC's decision to recover disbursed funds for funding year 2014. Austin ISD had timely submitted its invoices for funding year 2014 well in advance of the October 2015 deadline. It requested an extension request before the deadline as its service provider had not certified Austin ISD's BEAR form before the deadline. After several attempts, USAC finally paid all but one month of Austin ISD's FY 2014 funding request by March 2016.

In 2017, USAC sent a letter informing Austin ISD that it qualified for relief pursuant to the Commission's *Jefferson-Madison Regional Library Order*. Austin ISD happily and promptly refiled its invoice, given that it had complied with Commission rules with each of its previous invoice submissions. USAC subsequently disbursed the requested funds, but now—a year later—seeks to recover them.

USAC's stated denial reasons are simply inaccurate. Austin ISD submitted its invoice—numerous times—prior to the invoicing deadline. Austin ISD is unaware of any allegation that services were not delivered during the funding year. And there is no requirement that USAC actually disburse funds prior to the invoice deadline.

The only error here is that USAC had failed to properly disburse all of Austin ISD's funding in 2015. Austin ISD should not be penalized for the fact that USAC was finally able to correct its error after the invoicing deadline had passed.

Austin ISD complied with the Commission's invoicing rule, submitting its original BEAR form on time, and then submitting a timely request for an extension of the deadline because it had been unable to obtain the service provider's certification before filing the BEAR. When it was later informed that it could resubmit the BEAR form, it did so promptly. It is unclear why USAC has determined that its original decision—that Austin ISD's application qualified for relief under the *Jefferson-Madison Regional Library Order*—was incorrect, when the facts of Austin ISD's original invoice submission fall squarely within the relief described in that order. Regardless, Austin ISD respectfully argues that USAC's efforts to recover these funds are inconsistent with the Commission's *Fifth Report and Order* as well, and that USAC should therefore reverse its decision.

Importantly, it should be noted that there is no substantive issue here—either with the application or the invoices themselves. This is funding that Austin ISD was entitled to and should have received years earlier than it did, but for USAC's inability to correctly process the invoices when

¹ Exhibit 1, Notice of Recovery of Improperly Disbursed Funds, dated June 18, 2018.

they were initially submitted on time. As such, Austin ISD respectfully requests USAC cease its recovery efforts as described above.

Background

Austin ISD filed its FCC Form 471 # 949911 for funding year 2014 on March 26, 2014. It received its commitment for \$384,848.14 on June 25, 2014.

On September 10, 2015, Austin ISD submitted invoice 2237901 to USAC well before the October 28, 2015 deadline through USAC's legacy BEAR system.² The invoice was for all 12 months of Internet access services it had received in funding year 2014.

Its service provider, Greater Austin Area Telecommunications Network, did not have access to certify Austin ISD's BEAR invoice electronically. (Prior to funding year 2016, applicants that submitted BEAR forms also had to obtain a certification from their service provider that it had provided the requested services to the applicant.) As such, Austin ISD timely submitted an extension request (case # 22-853315) in order to obtain the service provider's certification for the invoices.³ Austin ISD subsequently submitted the service provider's BEAR certification via mail using BEAR invoice # 2290378 on November 12, 2015.⁴ That invoice was denied in full, stating that the invoice deadline had passed, even though Austin ISD had timely submitted an extension request.

Austin ISD resubmitted the invoice request # 2297721 on December 4, 2015, after USAC approved the invoice deadline extension.⁵ Upon USAC's request, Austin ISD submitted the supporting bills from the service provider. USAC approved two months of service and did not pay the remaining 10 months.⁶ USAC claimed that incomplete documents were submitted for review, even though Austin ISD believed it had submitted all of the requested documentation.⁷

Austin ISD submitted the invoices a fourth time on BEAR invoice # 2334235.⁸ Of the remaining 10 months, USAC approved funding for nine months of services on March 11, 2016.⁹ USAC did not fund one month of services, stating it was a duplicative line item. The request was not duplicative as USAC had only funded a total of 11 months of services at that point.

² Exhibit 2, BEAR invoice 2237901.

³ Exhibit 3, email from T. Neal to SLD Inquiry dated October 15, 2015.

⁴ Exhibit 4, BEAR invoice 2290378.

⁵ Exhibit 5, BEAR invoice 2297721.

⁶ Exhibit 6, Form 472 (BEAR) Notification dated December 23, 2015.

⁷ *Id.*

⁸ Exhibit 7, Form 472 (BEAR) Notification Letter, dated March 11, 2016 re: BEAR invoice 2334235.

⁹ *Id.*

Austin ISD had given up on receiving payment for the final month when it received a letter from USAC on August 2, 2017.¹⁰ The letter stated USAC was allowing Austin ISD to resubmit its invoice for the missing one month because the Commission had issued an order that allowed applicants to submit invoices when their invoices had been considered “late” because they were waiting on their service providers to submit a BEAR certification.¹¹ Austin ISD submitted BEAR invoice #2659897 on August 11, 2017 for the final missing month of funding.¹² USAC approved the invoice on September 4, 2017.¹³

On June 18, 2018, Austin ISD received a notice of recovery of improperly disbursed funds from USAC.¹⁴ The notice stated that Austin ISD had submitted its invoice after the invoice deadline.¹⁵

Appeals of USAC decisions are due within 60 days.¹⁶ As such, this appeal is timely filed.

Discussion

USAC should cease recovery efforts in this case because its original conclusion was the correct one: Austin ISD qualifies for the relief outlined in the *Jefferson-Madison Regional Library Order*. Its original invoice was filed on time, but without the required certification by the service provider. This is exactly the scenario for which the *Order* granted relief.

Even if the *Jefferson-Madison Regional Library Order* did not apply, however, seeking recovery of funds would still be inappropriate under the Commission’s *Fifth Report and Order*, because the invoicing rule is a procedural rule, and any error that USAC believes was made was not discovered until after the funds were disbursed. Under the *Fifth Report and Order*, recovery is not warranted in those circumstances.

Finally, USAC’s stated denial reasons are not based in the facts of this case. Austin ISD submitted its invoice—numerous times—prior to the invoicing deadline. The only error that was made in the processing of the invoices was that USAC failed to pay one month of Austin ISD’s invoice when it paid the remainder of the funding that Austin ISD requested. Austin ISD timely resubmitted its invoices several times and provided the supporting documentation repeatedly to USAC within the initial extension period, but to no avail.

¹⁰ Exhibit 8, USAC letter to Austin ISD, dated August 2, 2017.

¹¹ *Id.*

¹² Exhibit 9, BEAR invoice 2659897.

¹³ Exhibit 10, email from USAC Customer Support to John Judice, Austin ISD, dated September 5, 2017.

¹⁴ Exhibit 1.

¹⁵ *Id.*

¹⁶ 47 C.F.R. §§ 54.719(a), 54.720(b).

a. USAC Should Cease Recovery Efforts Because Austin ISD Falls Within the Relief Granted by the Commission's Order in 2017

In the *Jefferson-Madison Regional Library* order, the Commission's Wireline Competition Bureau reversed USAC's decision to reject a timely filed invoice when the service provider had not certified the invoice prior to the invoice filing deadline. WCB granted relief to all other similarly situated applicants to resubmit invoice filings. WCB found that the applicants in these circumstances were in compliance with section 54.514(a) of the E-rate program rules. Specifically, the Jefferson-Madison Regional Library had filed its BEAR invoice on time and only lacked the service provider's certification prior to the deadline. WCB found that the Commission's rule required the BEAR form to be filed prior to the deadline, but the rule did not require the submission of the BEAR certification prior to the deadline.¹⁷

Just like in the *Jefferson-Madison Regional Library* order, here Austin ISD had submitted its BEAR invoice prior to the deadline of October 28, 2015. Austin ISD also timely submitted an extension request in order to allow it time to obtain the BEAR certification from its service provider. It is unclear why USAC denied the initial invoice, given that Austin ISD had both timely filed its BEAR invoice and an extension request, although it may have been because USAC had not yet processed the invoice extension request.¹⁸ As such, Austin ISD meets the requirements set forth in the *Jefferson-Madison Regional Library* order.

b. Recovery for a Purely Procedural Error Is Not Supported by Commission Precedent

USAC's recovery effort is wholly inconsistent with the *Fifth Report and Order*, in which the Commission established a presumption that procedural errors that are not identified before funding is disbursed do not warrant recovery. The invoicing deadline is a procedural rule, so any violation of it is a procedural error. Accordingly, USAC's recovery effort in this case is inconsistent with the *Fifth Report and Order*.

In the *Fifth Report and Order*, the Commission addressed the circumstances under which USAC should seek to recover disbursed funding. The Commission stated that "[i]t is clear that funds disbursed in violation of the statute or a rule that implements the statute or a *substantive* program goal must be recovered."¹⁹ With respect to violations of *procedural* rules, however, the Commission determined that recovery is not always appropriate:

¹⁷ *Id.* at ¶ 6.

¹⁸ See *Request for Review and/or Waiver of Decisions of the Universal Service Administrator by Ada Public Library; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 32 FCC Rcd 1909 (WCB 2017) (*Ada Public Library*). If the effective date of the invoicing rules was August 2014, USAC should have automatically granted a 120-day extension of the invoicing deadline. However, as the Commission described in *Ada Public Library*, USAC was not processing invoice extension requests in a timely fashion and subsequently rejected many invoices that were awaiting a USAC decision on deadline extension requests.

¹⁹ *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order, 19 FCC Rcd 15808 ¶ 18 (2004) (*Fifth Report and Order*) (emphasis added).

If . . . the procedural violation is inadvertently overlooked during the application phase and funds are disbursed, the Commission will not require that they be recovered, except to the extent that such rules are essential to the financial integrity of the program, as designated by the agency, or that circumstances suggest the possibility of waste, fraud, or abuse, which will be evaluated on a case-by-case basis.²⁰

This language from the *Fifth Report and Order* makes it clear that recovery of disbursed funds is inappropriate here. First, the invoicing rule is a procedural rule. In the *Fifth Report and Order*, the Commission described procedural rules as rules that are “codified to enhance operation of the [E-rate] program.”²¹ The invoicing deadline certainly satisfies that description, as its only function is to ensure that invoices are submitted in a timely and predictable manner, so that funds can be disbursed in a timely and predictable manner. It is therefore clear that no substantive rule violation took place here.

Further, if Austin ISD had actually violated the invoicing rule, USAC disbursed funds in spite of that fact, so “the procedural violation [was] inadvertently overlooked.” It cannot possibly be “essential to the financial integrity of the program” to recover a mere \$32,000 from funding year 2014—funding that was used to provide telecommunications services to the applicant in full compliance with the substantive rules of the E-rate program. Furthermore, USAC has not suggested any concerns about waste, fraud, or abuse in this case, and in fact there was no waste, fraud, or abuse.

Accordingly, under the clear precedent of the *Fifth Report and Order*, there is no reason why USAC should seek recovery of disbursed funds in this case.

c. USAC’s RIDF Notice Does Not Explain Why It is Seeking Recovery

USAC’s RIDF notice did not explain why USAC no longer believed that Austin ISD was eligible for relief under the *Jefferson-Madison Regional Library Order*, so it is unclear what other facts USAC believes are relevant. In fact, it is unclear under what basis USAC is seeking recovery as the funding commitment adjustment explanation in the letter includes no legitimate reason for seeking recovery:

You received disbursements after your invoice deadline. For recurring services, invoices must be submitted no later than 120 days after the last day to receive service or 120 days after the FCC Form 486 Notification Letter date, whichever is later. Services must be delivered within the fund year. Your invoice was received after the invoice deadline.

The first sentence is correct but irrelevant, because there is no prohibition on receiving disbursements after the invoice deadline. The third sentence is correct but not a ground for recovery in this case, because the services *were* delivered within the funding year. The second and fourth sentences are incorrect because Austin ISD’s invoice was not filed after the invoice

²⁰ *Id.* ¶ 19.

²¹ *Id.*

deadline: it was filed on time, as described above, and the *Jefferson-Madison Regional Library Order* made clear that the absence of a service provider certification at the time of filing does not change this fact.²² The only error that was made in the processing of the invoices was that USAC failed to pay one month of Austin ISD's invoice when it paid the remainder of the funding that Austin ISD requested. Austin ISD timely resubmitted its invoices several times and provided the supporting documentation repeatedly to USAC within the initial extension period, but to no avail. Accordingly, USAC's explanation for its recovery effort contains no actual reason to seek recovery.

Conclusion

Austin ISD does not believe that it committed any error with respect to the above-captioned FRN and USAC's alleged reasons for recovery are not supported by the facts in this case. Even if USAC no longer believes that Austin ISD is eligible for relief under the *Jefferson-Madison Regional Library Order*, however, the *Fifth Report and Order* made clear that the Commission would consider this at most a procedural error that does not warrant recovery. For these reasons, Austin ISD respectfully asks that USAC reverse its decision and cease recovery efforts.

²² *Id.* ¶ 8 (“We now find that under section 54.514(a) of the Commission’s rules, USAC should have considered a BEAR form timely if it was submitted before the invoice filing deadline even if the service provider had not certified it before the invoice filing deadline.”).

EXHIBIT 12

Russell Neal, CEMP
VST Services, LP
905 Trophy Club Drive # 202
Trophy Club, TX 76262

Billed Entity Number: 141739
Form 471 Application Number: 949911
Form 486 Application Number: 1025287



Administrator's Decision on Appeal – Funding Year 2014

November 30, 2018

Russell Neal, CEMP
VST Services, LP
905 Trophy Club Drive # 202
Trophy Club, TX 76262

Re: Applicant Name: Austin Indep School District
Billed Entity Number: 141739
Form 471 Application Number: 949911
Funding Request Number(s) (FRN): 2608995
Your Correspondence Received Dated: August 16, 2018

The Universal Service Administrative Company (USAC) has completed its evaluation of the August 16, 2018 letter of appeal (Appeal) submitted by Austin Independent School District (the District).¹ The Appeal requests that USAC cease its recovery action because the District timely submitted its invoice before the extended September 1, 2017 invoicing deadline.²

USAC has reviewed the appeal and the facts related to this matter and determined that it cannot grant the appeal because USAC is not authorized to waive the Federal Communications Commission (FCC) rules.³ USAC is also required to seek recovery for funding that is disbursed in violation of the FCC rules.⁴

On May 30, 2017, the Federal Communications Commission (FCC) issued the *Jefferson-Madison Reconsideration Order* directing USAC to identify and allow all applicants who

¹ Letter from Russell Neal, consultant, VST Services, LP to Schools and Libraries Division, USAC (August 16, 2018) (*Appeal*).

² *Id.* at 2.

³ See generally, 47 C.F.R. § 54.702(c) (2013) (“[USAC] may not make policy, interpret unclear provisions of the statute or rules, or interpret the intent of Congress.”). See 47 C.F.R. § 54.719(c) (“Parties seeking waivers of the Commission’s rules shall seek relief directly from the Commission.”).

⁴ See *Changes to the Bd. Of Directors of the Nat’l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, *et al.*, Order, FCC 99-291 (1999) (*Commitment Adjustment Order*); *Changes to the Bd. Of Directors of the Nat’l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, *et al.*, Order, 15 FCC Rcd 7197 (1999) (*Commitment Adjustment Waiver Order*); *Changes to the Bd. of Directors of the Nat’l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, *et al.*, Order, 15 FCC Rcd 22975 (2000) (*Commitment Adjustment Implementation Order*).



Universal Service
Administrative Co.

timely filed their Billed Entity Application for Reimbursement (BEAR) forms to be allowed to resubmit their BEAR forms even if their service provider failed to certify the BEAR form prior to the original invoicing deadline.⁵

The invoicing deadline for Funding Request Number (FRN) 2608995 was February 25, 2016. The District did not submit a BEAR form for that FRN by that deadline, and therefore was ineligible for relief under the *Jefferson-Madison Reconsideration Order*. However, USAC erroneously identified the District as an applicant who qualified for the relief and improperly extended the invoice filing deadline for FRN 2608995 to September 1, 2017.⁶ Because USAC is not authorized to waive the FCC's invoicing deadline rules,⁷ USAC must recover funding that was disbursed in violation of the FCC's rules.⁸ For these reasons, your appeal is denied.

If you want to seek a waiver of FCC rules, or if you wish to appeal this decision, you must submit your request for waiver or appeal to the FCC within 60 days of the date of this decision letter. On all communications with the FCC, be sure to reference CC Docket No. 02-6. The FCC recommends filing with the Electronic Comment Filing System (ECFS) to ensure timely filing. You can find instructions for using ECFS on the ECFS Online Manual page of the FCC's website. The FCC will consider electronic filings as filed on a business day if they are received before midnight ET. If you have questions or comments about using the ECFS, please contact the FCC directly at (202) 418-0193 or via email. For additional information about submitting appeals or waiver requests to the FCC, including options to submit via U.S. mail or hand delivery, visit the FCC's website at: <https://www.fcc.gov/reports-research/guides/how-file-paper-documents-fcc>.

⁵ *Petition for Reconsideration by Jefferson-Madison Regional Library*, CC Docket No. 02-6, Order on Reconsideration, 32 FCC Rcd 4626, 4632, para. 15 (2017).

⁶ See Letter from Schools and Libraries Division, USAC to John Judice, Austin Indep School District (Aug. 2, 2017) (notifying the District that it qualified for relief pursuant to the *Jefferson-Madison Order* and extending the invoicing deadline to September 1, 2017).

⁷ See generally, 47 C.F.R. § 54.702(c) (2013) ("[USAC] may not make policy, interpret unclear provisions of the statute or rules, or interpret the intent of Congress."). See 47 C.F.R. § 54.719(c) ("Parties seeking waivers of the Commission's rules shall seek relief directly from the Commission."). *Request for Review of the Decision of the Universal Service Administrator by Merced Union High School*, CC Docket No. 96-45, Order, 15 FCC Rcd 18803, 18805 (2000) ("We note that rules and policies are enforced even where a party received erroneous advice from a government employee, and the Commission is not estopped from enforcing its rules in a manner that is inconsistent with the advice provided by the employee, particularly when the relief requested would be contrary to an applicable statute or rule.").

⁸ See *Changes to the Bd. Of Directors of the Nat'l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, et al., Order, FCC 99-291 (1999) (*Commitment Adjustment Order*); *Changes to the Bd. Of Directors of the Nat'l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, et al., Order, 15 FCC Rcd 7197 (1999) (*Commitment Adjustment Waiver Order*); *Changes to the Bd. of Directors of the Nat'l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, et al., Order, 15 FCC Rcd 22975 (2000) (*Commitment Adjustment Implementation Order*).



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Schools and Libraries Division
Universal Service Administrative Company

CC: John Judice
Austin Independent School District
1111 W 6th Street
Austin, TX 78703